

received
8/19/19

119 Marlboro Beach Road
Lamoine, Maine 04605 and
15031 South 21st Place
Phoenix, Arizona 85048
August 16, 2019

Board of Appeals
Town of Lamoine
606 Douglas Highway
Lamoine, Maine 04605

Dear Appeals Board Members:

I am writing this letter to protest the excessive height of the new house built by Kathy and Tom True on Lamoine Map 16, Lot 48-1. I live almost directly across Marlboro Beach Road from this monstrosity, and I am appalled every day by its height and by the fact that the town building codes pertaining to height have not been enforced.

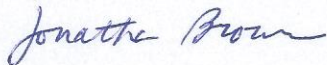
Building height restrictions preserve the character of the landscape and protect the value of properties near new construction and remodeling projects. Unlike many other towns, the town of Lamoine specifically wrote its height code to reference not only the final grade of a building site but also the original grade. This wording restricts the *overall* height (of fill plus structure) to no more than 35' and *disallows* the creation of a hill of fill upon which a 35' structure is then erected. Anyone familiar with the terrain along Marlboro Beach Road knows that the Trues brought in an enormous amount of fill, raised the grade several feet and built a house that is considerably higher than 35' above the original grade. In fact, the Trues have never to my knowledge argued that this is not the case.

Despite the wording of the building code and the public availability of a survey showing the original grade of the site, the town's Code Enforcement Officer never made an effort to obtain an accurate measurement of the building height from the original grade. Instead she let Tom True convince her to measure the height of his house from the final grade (see letter of April 16, 2019, from the CEO to the Select Board, referring to the code pertaining to building height: "I accepted Tom True's understanding of the 'Building Height' definition 18 months ago"). In my opinion, this was a serious mistake. If the CEO was uncertain about how to interpret the code, she should have sought guidance from her superiors (who presumably keep the town's codes and interests in mind), not from the property owner (who is likely to keep his own interests in mind). Going further, the CEO made what I believe was another mistake by neglecting to enforce the mandate in the town building code's Section 3: General Requirements, which states, "In all instances, the burden of proof in assuring compliance with these requirements shall be upon the applicant." Rather than directing the homeowner to hire a licensed surveyor to determine the building height from the original grade, she and John Holt (neither of whom is a licensed surveyor) took it upon themselves to disregard the original grade entirely and assess the height of the True house together using whatever tools they had on hand. The CEO then used the results of their calculations to erroneously claim that the height was within acceptable limits.

Only a few weeks later the CEO realized that she had been mistaken. In the aforementioned letter of April 16, 2019, after writing "I accepted Tom True's understanding of the 'Building Height' definition 18 months ago," she went on to state, "Now, I read and interpret it differently"). I applaud her for owning up to that mistake and I appreciate her honesty.

I believe the only appropriate way to accurately determine whether this house violates the building code is to have a licensed surveyor assess its height relative to the original grade, at the True's expense. If the house is more than 35' above original grade, I believe the town must insist that the Trues remedy the situation by lowering the overall height.

Sincerely,

A handwritten signature in blue ink that reads "Jonatha Brown". The signature is written in a cursive, flowing style.

Jonatha Brown
480-209-6666
jonny@warsev.com